

Notice of Allowability	Application No.	Applicant(s)	
	10/607,684	DI LAURETIS ET AL.	
	Examiner	Art Unit	
	Brian Nash	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/22/2004.
 2. ☒ The allowed claim(s) is/are 1-5 and 7-13.
 3. ☒ The drawings filed on 27 June 2003 are accepted by the Examiner.
 4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's amendment received 9/22/2004. Applicant has amended claims 1, 5, and 10, and cancelled claim 6. The pending claims are now 1-5 and 7-13.
2. Applicant's amendments have remedied issues pertaining to specification subtitles and objected claims and the case is now in condition for allowance.

Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance: The prior art of record fails to anticipate or show in combination an apparatus or method for manufacturing filled and sealed pouches comprising a conveyor traveling over supports and having an upper surface which comprises a longitudinal side margin along each side and a plurality of moulds between the side margins and a thermoforming means for forming a thermoformable film on to the upper surface of the conveyor, forming the pouches by thermoforming a film into the moulds while holding each side edge of the film to a side margin of the conveyor and filling and sealing the pouches and then discharging the pouches from the conveyor wherein the holding of the side edges of the film to the side margins of the conveyor is by under-pressure applied to the underside of the film through a plurality of holding orifices which extend up through the conveyor and into each side margin wherein the outlet from each holding orifice is surrounded by material having a coefficient of friction of at least 0.3 thereby creating friction forces which

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are sufficiently large to resist inward movement of the side edges of the film during the thermoforming.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sherman, Hujer et al, Kaeding et al, Buhayar, Lancaster et al, Albo, Christine et al, Di Lauretis et al, Gott et al, and Wipf et al are cited to show related references.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is (571) 272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571 272-4467.

The official fax number for this Group is: 703-872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Brian D. Nash
17 November 2004



SCOTT A. SMITH
PRIMARY EXAMINER